

**STATE OF RHODE ISLAND
BEFORE THE RHODE ISLAND ETHICS COMMISSION**

IN RE: Alisa Trainor Fleet
Respondent

Complaint No. NF2011-10

Decision and Order of the Ethics Commission

This matter was adjudicated before the State of Rhode Island Ethics Commission ("Commission") on May 1, 2012, pursuant to R.I. Gen. Laws § 36-14-13 and Ethics Commission Regulation 36-14-1015. The following Commissioners were present for the adjudicative proceeding and participated in the deliberations and the rendering of this Decision and Order: Ross E. Cheit, Chair; Deborah M. Cerullo, SSND, Vice-Chair; J. William W. Harsch, Secretary; Mark B. Heffner; John D. Lynch, Jr.; James V. Murray; Edward A. Magro; and John M. LaCross.

Nicole B. DiLibero, staff attorney for the Commission, prosecuted the case. The Respondent did not appear. Edmund L. Alves, Jr. attended all proceedings as legal counsel for the Commission.

At the conclusion of the adjudicative proceeding, the Commission, by unanimous vote of 8-0, found that the Respondent had committed a knowing and willful violation of § 36-14-16 by failing to timely file a 2010 financial statement, imposed a civil penalty of One Thousand Five Hundred (\$1,500.00) Dollars and issued an order requiring the Respondent to file a 2010 financial statement.

Travel of the Case

On August 24, 2011, the Executive Director of the Commission through his designee, Gary V. Petrarca, Commission Investigator, filed a Complaint with the Commission. The

Complaint alleged that the Respondent violated § 36-14-16 by failing to timely file an annual financial statement for the 2010 calendar year.

Pursuant to § 36-14-12(c)(4) and Ethics Commission Regulation 36-14-1006, the Commission conducted a probable cause hearing in this matter on November 8, 2011. After considering the Complaint, the Investigative Report and the arguments of counsel, the Commission unanimously adopted the following finding of probable cause:

That, there is probable cause to believe that the Respondent, Alisa Trainor Fleet, violated R.I. Gen. Laws § 36-14-16 by failing to timely file a 2010 Financial Disclosure Statement with the Rhode Island Ethics Commission.

Immediately following the filing of a Complaint in this matter, the Respondent contacted the Commission. Thereafter, the Commission Investigator assigned to this matter, spoke with the Respondent by telephone on two occasions. Although settlement arrangements were made, the Respondent failed to follow through with the settlement of this matter. Prior to the scheduling of a probable cause hearing in this matter, the Commission Investigator attempted to contact the Respondent by telephone three times to no avail. Following the probable cause hearing, the Commission Investigator again attempted to contact the Respondent by telephone two additional times to no avail.

Prior to the adjudicative hearing in this matter, the Commission Investigator spoke with the Respondent by telephone on two occasions. Again, settlement arrangements were made, however, the Respondent failed to contact the Commission Investigator, as agreed, to follow through with the settlement of this matter prior to the scheduling of the adjudicative hearing for May 1, 2012. The Respondent was provided notice of the adjudicative hearing by both regular and certified mail.

The adjudicative hearing was conducted during the open session of the Ethics Commission meeting held on May 1, 2012. The Respondent did not appear. A stenographer was present during the entirety of the proceeding. After deliberating during the open session, the Commission, by a unanimous vote of 8-0, found that the Respondent had committed a knowing and willful violation of § 36-14-16, as stated in its finding of probable cause. The Commission imposed a civil penalty in the amount of One Thousand Five Hundred (\$1,500.00) Dollars and issued an order requiring the Respondent to file a 2010 financial statement.

Findings of Fact and Conclusions of Law

The Prosecution offered evidence through the affidavit of Michelle Berg, Commission Administrative Officer. The Respondent did not appear or offer any evidence. Based upon the uncontroverted evidence presented by the Prosecution in this matter, the Commission hereby makes the following findings of fact and conclusions of law:

1. During 2010, Alisa Trainor Fleet served as an elected member of the Narragansett Town Council with a term ending November 6, 2012.
2. At all times relevant, the Respondent was a municipal elected official subject to the Rhode Island Code of Ethics in Government.
3. As a municipal elected official during calendar year 2010, the Respondent was required to file a 2010 financial statement on or before April 29, 2011 pursuant to R.I. Gen. Laws § 36-14-16.
4. On or about March 25, 2011, a financial statement form for the 2010 calendar year was mailed to the Respondent at her designated address of 14 Tupelo Trail, Narragansett, Rhode Island 02822.

5. The statutory deadline for the filing of a 2010 financial statement was April 29, 2012.

6. The Respondent did not file a 2010 financial statement by the statutory deadline.

7. On or about June 16, 2011, a reminder notice was mailed to the Respondent at her designated address of 14 Tupelo Trail, Narragansett, Rhode Island 02822, indicating that the Commission had not received her 2010 financial statement by the statutory deadline.

8. Neither mailing was returned to the Commission office as undeliverable.

9. As of the date of the adjudication hearing, the Respondent had failed to timely file a 2010 financial statement by the required deadline. The Commission has not received a 2010 financial statement from the Respondent.

Conclusion

Based upon the foregoing Findings of Fact and Conclusions of Law, the Commission, by a unanimous vote of 8-0, finds that the Respondent committed a knowing and willful violation of § 36-14-16 by failing to timely file a 2010 financial statement with the Rhode Island Ethics Commission. The Commission, by a unanimous vote of 8-0, issues an Order as follows:

1. The Commission hereby imposes on the Respondent a civil penalty of One Thousand Five Hundred (\$1,500.00) Dollars pursuant to § 36-14-13(d)(3); and
2. The Commission hereby issues an order requiring the Respondent to file a 2010 financial statement pursuant to § 36-14-13(d)(2).

6/1/2012
Date



Ross E. Cheit, Chair
Rhode Island Ethics Commission

PURSUANT TO THE PROVISIONS OF R.I.G.L. § 42-35-15 ANY PERSON WHO IS AGGRIEVED BY THIS DECISION AND ORDER IS ENTITLED TO JUDICIAL REVIEW. PROCEEDINGS FOR SUCH REVIEW ARE INSTITUTED BY FILING A COMPLAINT IN THE SUPERIOR COURT FOR PROVIDENCE COUNTY WITHIN THIRTY DAYS AFTER MAILING NOTICE OF THIS DECISION AND ORDER BY THE ETHICS COMMISSION. A COPY OF THE COMPLAINT MUST BE SERVED UPON THE ETHICS COMMISSION WITHIN TEN DAYS AFTER IT IS FILED IN COURT, PROVIDED HOWEVER THAT THE TIME FOR SERVICE OF THE COMPLAINT MAY BE EXTENDED BY ORDER OF THE COURT FOR GOOD CAUSE.